United Nations CEDAW/C/2001/I/3/Add.4

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
14 December 2000

Original: English

Committee on the Elimination of Discrimination against Women
Twenty-fourth session
15 January-2 February 2001
Item 7 of the provisional agenda
Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women

Report prepared by the specialized agencies on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in areas falling within the scope of their activities

Note by the Secretary-General

Addendum

International Labour Organization

1. On behalf of the Committee on the Elimination of Discrimination against Women, the Secretariat invited the International Labour Organization (ILO), on 16 October 2000, to submit to the Committee a report on information provided by States to the ILO on the implementation of article 11 and related articles of the Convention on the Elimination of All Forms of Discrimination against Women, which would supplement the information contained in the reports of the States parties to the Convention that will be considered at the twenty-fourth session.

2. Other information sought by the Committee refers to activities, programmes and policy decisions undertaken by the ILO to promote the implementation of article 11 and related articles of the Convention.

3. The following report has been submitted in compliance with the Committee's request.

00-81416 (E) 120101

Report of the International Labour Organization

Under article 22 of the Convention on the Elimination of All Forms of Discrimination against Women

Contents

Chapter		*Page*
I.	Introduction	3
II.	Indications concerning the situation of individual countries	7
	Egypt	7
	Finland	11
	Jamaica	16
	Mongolia	21
III.	Additional information	24

Part I. Introduction

The provisions of article 11 of the Convention on the Elimination of All Forms of Discrimination Against Women are dealt with in a number of ILO Conventions. Of the 182 Conventions adopted so far, the information in this report relates principally to the following:

- Equal Remuneration Convention, 1951 (No. 100), which has been ratified by 146 member states;
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 142 member States;
- Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 29 member States.

Where applicable, reference is made to a number of other Conventions which are relevant to the employment of women:

Forced Labour

- Forced Labour Convention, 1930 (No. 29)
- Abolition of Forced Labour Convention, 1957 (No. 105)

Child Labour

_ Minimum Age Convention, 1973 (No. 138)

_ Worst Forms of Child Labour Convention, 1999 (No. 182)

Freedom of Association

_ Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)

_ Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

Employment Policy

_ Employment Policy Convention, 1964 (No. 122)

_ Human Resources Development Convention, 1975 (No. 142)

Maternity Protection

_ Maternity Protection Convention, 1919 (No. 3)

_ Maternity Protection Convention (Revised), 1952 (No. 103)

Night Work

_ Night Work (Women) Convention (Revised), 1948 (No. 89) [and Protocol]

_ Night Work Convention, 1990 (No. 170)

Underground Work

- Underground Work Convention, 1935 (no. 45)

Part-time Work

- Part-Time Work Convention, 1994 (No. 175)

Home Work

- Home Work Convention, 1996 (No. 177)

The application of ratified Conventions is supervised in the ILO by the Committee of Experts on the Application of Conventions and Recommendations (CEACR), a body of independent experts from around the world, which meets annually. The information submitted in Part II of the present report consists of observations and direct requests made by the Committee. Observations are comments published in the CEACR's annual report – produced in English, French and Spanish – which are submitted to the International Labour Conference. Direct requests (produced in English and French – and in the case of Spanish-speaking countries, also in Spanish) are not

published in book form, but are made public. At a later date, they are published on the ILO's database of supervisory activities, ILOLEX (available on-line or on CD-ROM).

In addition, Part III of the report includes additional information on the countries concerned including statistical tables, information on technical co-operation activities, and annexes (extracts of relevant comments of the CEACR) to Part II of the report.

Part II. Indications concerning the situation of individual countries

Egypt

Position with regard to ILO Conventions relating to women

I. Among the relevant ILO Conventions, Cameroon has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 89, 98, 105, 138, and 142.

II. **Comments by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts on matters relevant to the provision of CEDAW relate to:

Convention No. 100: Noting that the draft Labour Code had yet to be adopted, the Committee of Experts, in a direct request of 1998, referred to the Government's statement that the principle of the Convention had been covered in the draft text of section 35. However, the Committee commented that the said section currently referred to "same work," and therefore requested the government to provide a copy of the most recent version of the Code. It hoped that the draft text adopted would clearly set out the entitlement of men and women to receive equal remuneration for work of equal *value*, and that the Code would allow for a comparison of pay on as wide a basis as possible to

avoid under-valuation of pay levels in female-dominated industries where remuneration levels tend to be low. With regard to the Committee's previous request concerning the methods adopted to promote an objective appraisal of jobs, the Government referred to section 34 of the proposed draft Code which provides for the establishment, by Ministerial Order, of a National Council of Wages to be presided over by the Minister of Planning with a composition including employers and workers to set a minimum wage at the national level. A copy of the order, once promulgated, was requested as well as information on the application of the principle of equal remuneration for men and women in excess of the minimum wage including the criteria and methodology used in the appraisal of jobs.

The statistical data provided by the Government indicated that the average weekly wage of men and women in financial institutions n the public and private sectors for the period 1989-1994 indicate that the women's average weekly wage is slightly higher than men's in this sector. The Committee noted the progress made in five years, as well as the fact that the few women working in male-dominated sectors, such as mining, construction and transport, received significantly higher wages than men (according to th Government's data and the *ILO Yearbook of Labour Statistics*) which suggests that women generally occupy higher position in these sectors. In contrast however, it remarked that the majority of women were concentrated in agriculture, manufacturing, whole-sale and retail services where levels of remuneration were quite low. The Committee also hoped that the Government in its next report would include copies of any documents issued in the context of the Conference on Women Workers and Social

Challenges, organized by the Federation of Egyptian Trade Unions, and copies of the study conducted by the Centre for Arab Research and Studies concerning the status of women in the economy.

Convention No. 111: An observation of 1997 referred to the employment situation of women, particularly the Government's statement that training in household work – together with painting, music and sports – is part of the regular curriculum taught to girl students in all secondary, intermediate and primary schools. The Committee of Experts noted that according to the Government, in 1994 there were 17,800 women in high-level posts and that with vocational training irrespective of sex, the sole criterion used in assessing skills and interests is the skills and willingness of the individual whether male or female. The Government also stated that while there were no "typically male" jobs or occupations, there was a tendency among women to seek training in occupations formerly considered to be "typically male." In this context, the Committee reiterated that the situation could be further improved through the adoption of measures to guide women towards training which is less typically or traditionally female in order to promote equality. With regard to practical measures taken to apply a national policy to promote equality of opportunity and treatment of women, the Committee noted the statistical date for the period 1985-1995 showing that women progressed in a number of areas: the proportion of women in the total number of senior government officials increased from 5.7% in 1980 to 11.8% in 1992; the proportion of women in the management category increased from 13.7% in 1984 to approximately 20% in 1988; the

proportion of women in the employer's category increased from 5.5% in 1984 to 17.1% in 1988. Recent programmes such as the National Committee for Women (whose responsibilities include strengthening the role of women in society, improving the performance of women, studying the problems women encounter and the means of solving them on a scientific basis), the General Department for Women's Affairs of the Ministry of Social Affairs (which carries out projects such as the development of rural and urban communities) and the Ministry of Agriculture's unit responsible for policy and coordination in women's agricultural activities, were all noted.

However, observing that the Government cited in its report presented at the Fourth World Conference on Women held in Beijing in 1995, that the "domination of traditional values" especially in rural and isolated areas was one of the obstacles to women's integration in and development and their entry into the formal labour market, the Committee hoped that the next report of the Government would include measures taken or envisaged to overcome such obstacles.

In its direct request of 1997, the Committee commented on the Order 22 of 1982 which lists 23 jobs from which women are barred and which the Government deems to be dangerous for the health and morals or to be too arduous for women. The Government states that the list is periodically reviewed by the Ministry of Manpower and Training in the light of scientific and technological advances and in accordance with the provisions of the Convention. It adds that in implementing the new Labour Code, account will be taken of technological and scientific progress in determining jobs which may not be performed

by women and which are harmful to their reproductive role. The Committee hoped that the Government would provide full information on measures taken to remove restrictions on women's access to employment.

Finland

Position with regard to ILO Conventions relating to women

I. Among the relevant ILO Conventions, Finland has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105, 122, 138, 142, 156, 175 and 177. While Convention No. 45 has been ratified, it is currently not in force for Finland.

II. **Comments by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts on matters relevant to the provision of CEDAW relate to:

Convention No. 100: In an observation of 1998, the Committee of Experts noted that women's total average earnings for 1997 in the public and private sectors combined

constituted 79.2% of men's corresponding average earnings, representing an increase of 4.5% from 1994. Sectorial differences with regard to the increase or decrease in the pay gap between men and women over last few years were reported by the Government and highlighted by the comments of several workers' organizations. The reasons for the wage differentials according to the Government are dependent on numerous factors simultaneously including occupational segregation and spending cuts made in the public sector during the recent recession. Reference was also made to changes in the unemployment rate for men and women and the differential impact that recent economic growth has had on men and women, affecting their remuneration levels. In this context, the Confederation of Unions for Academic Professionals in Finland (AKAVA) suggests that the widespread use of fixed-term employment relationships may weaken the standing of trained women in the state administration in the long run. The Committee noted the conclusions of the study commissioned by the Equality Ombudsman on the pay differentials between men and women from an economic point of view found that the adoption of legislation on equal pay was insufficient to reduce the pay differentials and that active measures were required, such as the introduction of effective equality programmes. The study also concluded that the negotiating power of women was viewed as a vital element in further reducing the pay differential. The Committee requested continued information on efforts taken to reduce the wage gap and combat occupational segregation in both public and private sectors, particularly active measures such as equality programmes and initiatives in the areas of education, vocational training and occupational guidance aimed at reducing pay differentials.

The Committee noted with interest new legislation which permits part-time employees to accumulate years of service and move to correspondingly higher pay grades, in the same manner as full-time employees, as the Government indicates that this change will improve the earning level of a large majority of women part-time workers in the commercial sector. It also noted the collective agreement for 1998-99 concluded on 12 December 1997 that provides for the payment of equality allowances to be shared out as agreed by the unions involved. The Government's information on the annual workplace equality plans formulated by employers under the 1995 amendments to the Equality Act was noted and the Committee requested a copy of the 1996 materials issued by the Equality Ombudsman providing employers with guidelines and instructions on how to comply with their equal pay duties as well as information in the surveys conducted by the Ombudsman on workplace equality planning. The Committee was also interested in information provided with regard to the equal pay complaints received by the Ombudsman.

Convention 111: In a direct request of 1997, the Committee of Experts asked the Government to continue providing information on the strengthened enforcement of equality provisions, particularly the conclusions of the study commissioned by the Equality Ombudsman's office on the promotion of equality planning. With regard to th 1997 study of the Institute of Occupational Health and the Occupational Health and Safety Administration entitled 'Increasingly Equal Work Communities,' the Committee noted that only a few companies had included the aim of equality promotion in their

human resources plan. Furthermore, the findings showed that women's employment has not kept pace with the general improvement of the economy due to the fact that there had not been a significant increase in jobs in the public sector where the workforce is predominantly female. Any information on measures taken or contemplated to improve job prospects for females, such as through the promotion of diversification in education, was requested. The Committee noted the approval of in February 1997 of the Plan of Action for the Promotion of Gender Equality (1997-1999) under which women entrepreneurs had been supported with special loans. According to the Government's report, the proportion of women in programmes promoting employment has increased and corresponded at least to their proportion of the unemployed; special attention has been paid to the accommodation of career and family; labour legislation has been amended for those in atypical employment relationships; unemployment security has been reformed to provide more incentive to short-term employment; and the training in information technology is being altered in order to interest girls as well. It was also noted that a working group of the Ministry of Labour submitted a report on 31 January 1997, which studied trends in women's unemployment.

The question of gender-based wage inequality and the increase of various forms of atypical work in female-dominated sectors was raised by various workers organizations.[1] In this regard, the Government stated that women were more flexible in their employment relationships which were therefore more likely to be atypical than men's. The Committee requested a copy of the report completed on 29 February 1996 on

[1] Note: The statistical bases of these claims and some of the reasons for wage differentials were discussed by the Committee of Experts under the consideration on Convention No. 100 in 1998 (summarized above).

the problems related to atypical employment and how these could be solved. The issue of part-time workers was also commented on, particularly since part-time workers accounted for 7.1% of wage earners in 1995, but that 10.8% of female wage-earners but only 4.8% of male wage-earners worked part-time.

Convention No. 156: The Committee of Experts in its observation of 1994 recalled the concern of trade unions over the inadequacy of municipal day care which, in their view, forced parents to resort to the more expensive and less reliable alternative of private arrangements, thus creating inequality for parents. However, it was noted that since the introduction of the Children's Home-Care Allowance Act, the requirements for day care had been adequately met, with further proposals to ameliorate the situation. Various workers' organizations suggested that the economic recession had had an adverse effect on the distribution of family support between men and women; there had also been a reduction in the maternity and parental allowances from 70% to 66% and a shortening of the period of payment of these allowances from 275 to 263 days.

However, in its direct request of 1994, the Committee noted that efforts had been made to instruct employment office personnel on the implications for customer service of gender equality legislation. It also requested the Government to continue supplying information on ay measures taken to promote information and educational initiatives that will promote the objectives of the Convention.

The Government's Report for 1999, to be considered in 2000. The current report of the Government on Convention No. 156, which will be considered in 2000 by the Committee of Experts, provides updated information with particular reference to gender equality. It states that efforts have been made to consider changes in traditional men's and women's roles and greater gender equality not only in the workplace but as a family, and in this context, a committee set up by the Ministry of Social Affairs and Health put in its report in Spring 1999. The Government acknowledges that the division of labour by gender is much more pronounced in Finland than in many other EU countries as men and women largely tend to work in different sectors and professions. However, the Government's 1999 employment action plan states that the labour administration will be working on a procedure by which a greater desegregation of the labour market will be integrated into result management and quality criteria by means of labour market policy.

Jamaica

Position with regard to ILO Conventions relating to women

I. Among the relevant ILO Conventions, Jamaica has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos.: 29, 87, 98, 105, and 122.

II. **Comments by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts on matters relevant to the provision of CEDAW relate to:

Convention No. 100: In a direct request of 1998, the Committee of Experts noted that no amendments had been made to the Employment (Equal Pay for Equal Work) Act of 1975, despite repeated observations that section 2 of the Act only refers to "similar" or "substantially similar" job requirements. While the Committee noted the Government's efforts in reducing wage differentials between men and women, particularly through the adoption of the Equal Pay for Men and Women Act of 1975 and of the 1996 Minimum Wage Order, which now include women working in the garment industry and household workers, it hoped to be informed in the next report of the Government's intention to ensure conformity with Article 1 of the Convention through legislation or other measures.

Welcoming the statistical data provided by the Government on the actual monthly and weekly paid wage scales of employees in two larger garment factories, the Committee concluded the systemic wage differentials no longer exist in the garment industries. However, it was observed that the male and female ratio of active employees (according to age in the HRMIS database and of the 1997-1998 salary scale by occupation in the public service) were not dissagregated by sex, and consequently, the Government was requested to provide sex dissagregated data on salary scales and actual earnings in the public sector together with an indication on the percentage of men and women employed at different levels. With regard to the reclassification and job

evaluation through the Modernization Programme, the Committee requested information on the criteria of evaluation and on the elimination of the gender bias in these job evaluation methods.

The Committee noted the Government's statement in its report that collective agreements in the public or private sector do not contain distinctions based on gender, but repeated its request for copies of current collective agreements for various industries or enterprises in the private sector which contain wage scales and for information on the distribution of men and women in the different occupations and levels covered by collective agreements.

Convention No. 111: The Government report due in 1999 had not been received. Committee of Experts, in its direct request of 1999, noted once again that the reforms to remedy the omission of the prohibition against gender discrimination in section 24 of the Constitution had not been adopted. Alluding to the Government's comments to the Human Rights Committee[2] that a preliminary draft bill regarding the amendment of Chapter III of the Constitution includes the right to freedom from discrimination on the basis of sex, the Committee requested the Government to report on the progress made in bringing the constitutional provision on discrimination into conformity with the Convention. The Committee noted that inter-ministry committees had been established to track the progress of the 1987 National Policy Statement on Women. It asked the Government to provide information on any obstacles as well as advances that had been

[2] CCPR/SR.1623/Add.1

identified in this process with regard to the promotion of equal opportunity and treatment for men and women in Employment and occupation.

The Committee observed that the Strategic/Corporate Plan 1997-2000 of the Bureau of Women's Affairs had identified training and education as one of the priority areas for action by encouraging measures including training over the full range of occupational choices of non-traditional careers for women and men. Other inter-sectorial programming strategies of the plan relate to ensuring a gender balance in governmental bodies and committees, public administrative entities and in the judiciary. In this context, the Government's attention was drawn to the report of the Jamaica Employers' Federation Symposium, 1995, on "Optimizing the Contribution of Women to the Jamaican workplace" which found that despite similar qualifications, men still outnumber women at the top three levels of management, while women are concentrated in bottom-level occupations. The Committee noted with interest the Prime Minister's announcement of the establishment of the Commission on Gender and Social Equity and of a steering committee in the Policy Unit of the Office of the Prime Minister to recommend a framework by which gender equity can be achieved as a social policy goal through an empowerment process. Information on the policy framework, mandate and activities of the said Commission, including its links with the existing national machinery on the status of women was requested.

The Committee welcomed the Government's efforts to increase women's access

to vocational training in non-traditional areas and the encourage employers to employ more women, particularly in non-traditional occupations, such as through the tax rebate system used in the School-leavers' Training Opportunities Programme. However, it asked the Government to indicate whether any non-formal education or training programmes exist allowing more disadvantaged groups of men and women to have equal opportunities in educational and vocational training. The Committee noted that although no legislation has been passed on sexual harassment in the workplace, the topic has received much attention through awareness-raising activities which are aimed at improving the treatment of women in employment. It also observes that according to the Government's statement, there are no specific examples of redress on the basis of gender discrimination being sought. However, the Committee noted that the Government was remedying this omission through constitutional reform and through the adoption of a new Legal Aid Act which should ensure wider and easier access to the courts for persons seeking redress.

Convention No. 122: A direct request of 1999 noted that although women comprise 46% of the labour force, they hold 42% of jobs and represent 65% of the unemployed. The Committee of Experts noted the Government's efforts o overcome this problem, as there is a high participation rate of women in training programmes and much of the growth in employment is due to women obtaining jobs. Further information on progress made in this regard was requested.

Mongolia

Position with regard to ILO Conventions relating to women

I. Among the relevant ILO Conventions, Mongolia has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos.: 87, 98, 103, and 122.

II. **Comments by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts on matters relevant to the provision of CEDAW relate to:

Convention No. 100: Noting the absence of a report in its direct request of 1998, the Committee of Experts repeated its request to the Government to consider enshrining explicitly in the national legislation, the concept of equal remuneration for men and women workers. While the Labour Code of 1991[3] contains a general ban on discrimination in labour relations and wage determination and the Public Service Act (1995) provides for equal remuneration to be granted to the same positions in the public service, the Committee observed that the principle of equal remuneration for *men and women workers* was not included in either legislation. Noting the guidelines and procedures for determining wages and basic differential rates, the Committee also asked for a copy of the regulations on salary payment rates applicable in state enterprises and

[3] Note: A new draft Labour Code is currently being prepared by the Ministry of Health and Social Welfare. The Committee commented on its possible provisions in its deliberations on Convention No. 111 (summarized below).

joint stock companies which employ a significant number of women, together with an indication of the percentage of men and women employed at different wage levels.

Convention No. 103: The absence of the Government's report was noted in a direct request of 1999. Reiterating previous concerns, the Committee of Experts recalled that section 81 of the Labour Act (1991) grants 45 days' leave before and 56 days after confinement without specifying whether the post-natal leave is compulsory. The Government was requested to indicate whether provisions exist, or are contemplated, to ensure the compulsory nature of leave after confinement, in accordance with the Convention. The Committee further noted the information in the Government's report regarding a new system of maternity benefits. These benefits are not dependent on social security legislation, but on social welfare legislation and are granted by the Government in the form of social welfare allowances. The Government acknowledged that this new system is less advantageous as the pre- and postnatal allowances previously corresponded the net wage, whereas they are now equal to the minimum wage. An indication on whether these allowances were sufficient for the full and healthy maintenance of the woman and her child in accordance with a suitable standard of living, was requested. The Committee also asked for detailed information on the nature and amount of the medical benefits and benefits in kind granted to women on maternity leave as well as the conditions for granting them, specifying the relevant legal provisions.

Convention No. 111: In a 1997 direct request, the Committee noted that the Ministry of Health and Social Welfare is currently preparing a draft new Labour Code

which will modify and amend the 1991 Code while retaining the advantages provided in sections 79, 80, 82, 83 and 84. In its previous direct request the Committee also noted that while serious efforts are being made to ensure quality in access to education and training (65.5% of all trainees are women) the sex of workers is taken into account when training engineers and technical staff in such fields as geology, mining, fuel and energy. The Government was requested to clarify this indication and refer to the 1988 General Survey, which contains a discussion of occupational segregation based on traditional approaches to "female" versus "male" occupations.

Convention No. 122: A direct request of 1999 remarked the absence of the Government's report. As in its previous request, the Committee of Experts requested the Government to continue supplying information on the implementation of the various employment creation and training measures, particularly measures specifically intended for categories of the population that are identified as being particularly vulnerable, such as women with family responsibilities, young persons and persons with disabilities.

Part III. Additional information

REPORT TO 24TH SESSION OF CEDAW (PRE-SESSION WORKING GROUP)

Table 1: Maternal Mortality Ratio per 100,000 live births

	1995
Egypt	174
Jamaica	115
Mongolia	63

Table 2: Percentage of Deliveries by Trained Personnel

Egypt	46
Jamaica	92
Mongolia	99.2

Table 3: Percentage of Women of Childbearing Age using Family Planning and Total Fertility Rate

	% women of childbearing age using family planning	Total Fertility Rate (1999)
Egypt	48	3.2
Jamaica	55	2.4
Mongolia	38	2.5

Comments:

Egypt:
Female genital mutilation is practised throughout the country by Muslims and Christians, the estimated prevalence being 97% based on the 1995 Demographic and Health Survey results. A validation study was carried out but the results were not available. (WHO, Geneva, 1998)

Jamaica:
None

Mongolia:
The key gains in women's health in Mongolia in the last few years have been the population policy (1996), national programme of action for the advancement of women (1996) and the national programme of adolescent health. There has been an increase in contraceptive use and a reduction in abortion rate. This is a change from the period before 1990 when mothers with more than five children were given monetary benefits and were granted the "honored mother's medals" while mothers with more than seven children were awarded the "high degree or honored mother's medals".
Male-female inequality in literacy rates has been almost eliminated.

Table 4: Percentage of Population age 15+ who are Female Regular Smokers

Country	Percentage	Year
Egypt	4.7	1997
Jamaica	13	1990
Mongolia	19%	1999

Table 5: Violence Against Women

Country	Study	Percentage
Egypt*	Nationally representative study of 7,121 ever-married women, aged 15-49.	34% of women had been beaten at least once by their partner. Of the subset of the ever-beaten women who had ever been pregnant, 32% reported beatings during pregnancy.
Jamaica**	Random sample of 452 girls aged 13 to 14, attending 8th grade in all inner-city all-age and new secondary schools in Kingston. These schools are attended by children who do not attain high enough grades for entry into high schools. The students tend to be from the poorest quintile.	17% of the girls reported that they had experienced rape or attempted rape at some time in the past.
Mongolia***	Crime victimization survey. The sample of 601 women was representative of women in high and low income districts of the capital, Ulaanbaatar. It is important to note that under-reporting is especially likely in this study for a number of methodological reasons, including that the study was a "crime" study and that many women may not consider their experiences to fit within this context. In addition, some interviews may not have been conducted in private.	3% of women reported victimisation of a sexual nature in the previous 5 years.

References

*Egypt: Demographic and Health Surveys (DHS). *Egypt demographic and health survey*. Cairo, Egypt: National Population Council and Macro International, 1995.

**Jamaica: Walker, SP, et al. *Nutritional and health determinants of school failure and dropout in adolescent girls in Kingston, Jamaica*. International Center for Research on Women, unpublished, 1994.

***Mongolia:
United Nations interregional crime and justice research institute. *The international crime victimisation survey in countries in transition. National reports*. Rome, Italy: UNICRI, 1998.

Sources of data:

1. WHO data base
2. UN Population Division: 1990
3. TFI database*
4. VIP/PVI

*Age group surveyed and definition of smoking used in survey may differ across countries (e.g. 15+ vs. 18+)

Convention No. 100: Equal Remuneration, 1951
Direct request 1998

Egypt (ratification: 1960)

The Committee notes the information in the Government's report and the statistical tables attached.

1. The Committee notes that the draft Labour Code has not yet been adopted. It further notes the Government's statement that the principle of the Convention is covered in the draft text of section 35, even though that section currently refers to the "same work". From this statement, it would appear that a new version of section 35 has been prepared for inclusion in the draft Code. The Committee would be grateful if the Government would provide a copy of the most recent version of the draft Code. It must also reiterate its hope that the draft text adopted will clearly set out the entitlement of men and women to receive equal remuneration for work of equal value. It also hopes that the Code will allow for comparison of pay on as wide a basis as possible to avoid the undervaluation of pay levels in female-dominated industries where remuneration levels tend to be low.

2. In reply to the Committee's previous request concerning the methods adopted to promote an objective appraisal of jobs, the Government refers to section 34 of the new draft Labour Code. According to the Government, section 34 provides for the establishment, by Ministerial Order, of a National Council of Wages to be presided over by the Minister of Planning and composed of, among others, representatives of employers and workers, which would set a minimum wage at the national level. The Committee would be grateful if the Government would supply a copy of the Ministerial Order establishing the National Council of Wages once it is promulgated, and requests the Government to provide information on how the principle of equal remuneration is applied to wages of men and women in excess of the minimum wage, including the criteria and methodology used in the appraisal of jobs.

3. The statistical data concerning the average weekly wage of men and women in financial institutions in the public and private sectors for the period of 1989 to 1994 show the progress made over the past five years and indicate that women's average weekly wage is slightly higher than men's in this sector. The Committee notes from the statistics provided by the Government (1991-95) and 1995 data in the *1998 ILO Year Book of Labour Statistics* that the few women who are working in male-dominated sectors, such as mining, construction and transport, receive significantly higher wages than men, which suggest that women are generally occupying higher positions in these sectors. In contrast, the Committee notes that the majority of women are concentrated in agriculture, manufacturing, wholesale and retail and services where levels of remuneration are quite low. The Committee further notes that the Government's report

does not include additional information with regard to the wage levels and distribution of women in public administration posts. The Committee refers to its general observation under this Convention and requests the Government to include, in its next report, the necessary up-to-date information for both the private and public sectors to enable it to assess the application in practice of the Convention.

4. The Committee hopes that the Government will be in a position to supply, in its next report, copies of any documents issued in the context of the Conference on Women Workers and Social Challenges, organized by the Federation of Egyptian Trade Unions, and copies of the study conducted by the Centre for Arab Research and Studies concerning the status of women in the economy.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Observation 1997

Egypt (ratification: 1960)

1. The Committee notes with satisfaction that Act No. 96 of 1996 repeals Act No. 148 of 1980 respecting the power of the press, on which it made comments to the effect that section 18 of the Act established discrimination based on political opinion by restricting newspaper publication or ownership on political grounds. The Committee also notes the Government's confirmation that the repeal — already noted in its previous observation — by Act No. 221 of 1994, of Act No. 33 of 1978 on the Protection of the Home Front and Social Peace means that Presidential Decree No. 214 of 1978 establishing the principles of Protection of the Home Front and Social Peace is no longer applied by any legal instrument.

2. With regard to the employment situation of women, the Committee notes the Government's statement that training in household work — together with painting, music and sports — is part of the regular curriculum taught to girl students in all secondary, intermediate and primary schools. It also notes that, according to the Government, in 1994 there were 17,800 women in high-level posts (according to statistics from the Central Bureau for Statistics and Mobilization) and that with regard to vocational training irrespective of sex, the sole criterion used in assessing skills and interests is the personal aspirations and willingness of the individual, whether male or female. The Government provides statistical data in this connection showing the training provided to men and women, with particular reference to vocational training, skill-level assessment and vocational guidance. On the strength of the examples given, the Government states that not only are there no "typically male" jobs or occupations, but there is also a tendency among women to seek training in occupations formerly considered to be "typically male". In this connection, the Committee would again point out to the Government that this situation could be further improved through the adoption of appropriate measures to guide women towards training which is less typically or traditionally female in order to promote the principle of equality.

3. The Committee recalls that in its 1988 General Survey on equality in employment and occupation, it considered that archaic and stereotyped concepts with regard to the respective roles of men and women "are at the origin of types of discrimination based on sex and all lead to the same result: the nullification or impairment of equality of opportunity and treatment. Occupational segregation according to sex, which leads to the concentration of men and women in different occupations and sectors of activity, is to a large extent the product of these archaic and stereotyped concepts" (paragraphs 38 and 97).

4. With regard to practical measures taken to apply a national policy to promote equality of opportunity and treatment for women, the Committee notes the information supplied by the Government and the summary of its report to the Fourth World Conference on Women held in Beijing in 1995. The Committee also notes the statistical data for the period from 1985 to 1995 showing that, during that period women progressed in a number of areas: the proportion of women in the total number of senior government officials increased from 5.7 per cent in 1980 to

Convention No. 111: Discrimination (Employment and Occupation), 1958

Observation 1997

11.8 per cent in 1992; the proportion of women in the management category increased from 13.7 per cent in 1984 to approximately 20 per cent in 1988; the proportion of women in the employers' category increased from 5.5 per cent in 1984 to 17.1 per cent in 1988. The Government also cites machinery and programmes that have been developed recently to encourage the advancement of women, such as the National Committee for Women (whose responsibilities include strengthening the role of women in society, improving the performance of women, studying the problems women encounter and the means of solving them on a scientific basis), the General Department for Women's Affairs of the Ministry of Social Affairs (which has carried out projects such as developing the role of women in food production, the creation of women's clubs for the improvement of living standards in local communities and the autonomous development of rural and urban communities) and the Ministry of Agriculture's unit responsible for policy and coordination in women's agricultural activities (which conducts many activities to improve the situation of rural women). The Committee asks the Government to continue to provide information on the progress made by the various mechanisms set up to improve the proportion of women in employment and their representation in high-level posts, which remains low in the above-mentioned sectors.

5. Observing that the Government cites in the report it presented at Beijing, the "domination of traditional values" especially in rural and isolated areas as one of the obstacles to women's integration in development and their entry into the formal labour market, the Committee hopes that the Government's next report will indicate measures taken or envisaged to overcome such obstacles.

6. The Committee raises other points in a request addressed directly to the Government.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1997

Egypt (ratification: 1960)

The Committee notes the information supplied by the Government in response to its previous direct request.

1. With regard to the revision of the Labour Code, the original version of which was drafted in 1994 with technical assistance from the ILO, the Committee notes that the Government intends to supply a copy of the revised Code as soon as it is enacted.

2. With regard to Order No. 22 of 1982 which lists 23 jobs from which women are barred and which the Government deems to be dangerous for health and morals or to be too arduous for women, the Committee notes the Government's statement that the list is periodically reviewed by the Ministry of Manpower and Training in the light of scientific and technological advances and in accordance with the provisions of the Convention. The Government adds that, in implementing the new Labour Code, account will be taken of technological and scientific progress in determining jobs which may not be performed by women and which are harmful to their reproductive role. The Committee hopes that with its next report and with the requested copy of the Labour Code, the Government will provide full information on measures taken to remove restrictions on women's access to employment.

Committee of Experts on the Application of Conventions and Recommendations

Convention No. 100: Equal Remuneration, 1951
Direct request 1998

Jamaica (ratification: 1975)

The Committee notes the information in the Government's report and the attached schedules setting out the classification/pay levels and distribution by sex in the public service as well as the statistical information on the prevailing wage scales of men and women in some larger companies in the garment industry. The Committee also acknowledges the information on the discontinuation of the payment of marriage allowances to male teachers only.

1. The Committee notes from the Government's report that no amendments to the Employment (Equal Pay for Equal Work) Act of 1975 have been made. The Committee has been pointing out for years that section 2 of the Act only refers to "similar" or "substantially similar" job requirements, whereas the Convention provides for equal remuneration for work of "equal value", even though the work is of a different nature. In this regard, the Committee draws the Government's attention to *paragraphs 19 and 20 of the 1986 General Survey on equal remuneration* explaining "work of equal value". While the Committee notes the efforts by the Government to make progress in reducing the wage differentials between men and women, particularly through the adoption of the Equal Pay for Men and Women Act of 1975 and of the 1996 Minimum Wage Order, which now include women working in the garment industry and household workers, it hopes that the next report will include information on the Government's intention to ensure conformity with *Article 1 of the Convention* through legislation or other measures. In this regard, please provide information on the outcome of the review of the relevant labour legislation by the Labour Advisory Committee.

2. The Committee notes the information in the Government's report on the multiple wage system applied by the manufacturing industry, based on the type and complexity of the manufacturing operation, with the National Minimum Wage (Amendment) Order, 1996 setting the wage floor. In this regard, the Committee welcomes the statistical information provided by the Government on the actual monthly and weekly paid wage scales of employees in two larger garment factories. The data provided allow the Committee to conclude its long-standing question about the existing differentials in the pay scales and job categories in the garment industry, as it appears that systemic wage differentials no longer exist in the garment industries. However, the Committee does note that in some areas, especially with regard to weekly wages of skilled and unskilled employees, the wage gap appears to correlate to some extent with gender. The Committee hopes that the Government, in its next report, will provide similar statistical information on wage scales in the printing industry.

3. The Committee notes the statistical data provided by the Government on the male and female ratio of active employees according to age in the HRMIS database and on the 1997-98 salary scales by occupation in the public service. However, it also notes that these data are not dissagregated by sex and therefore requests the Government to supply statistical information *dissagregated by sex* on the salary scales and actual earnings in the public sector, together with an indication of the percentage of men and women employed at different levels, in order to be able to examine fully

the application of the principle of the Convention in the public service.

4. The Committee notes the Government's statement that the Public Sector Modernization Programme and reclassification of government employees are forms of job appraisal and promote an objective appraisal of jobs on the basis of the work to be performed. The Committee would be grateful if the Government could provide, in its next report, detailed information on the criteria on the basis of which the reclassification and job evaluation through the Modernization Programme is determined, and on the way that gender bias is being eliminated in these job evaluation methods. In this regard, the Government will derive assistance from *paragraphs 139 to 144 of the 1986 General Survey on equal remuneration* on the use of analytical methods of objective job appraisal and on the extent and levels at which job evaluation is practised. In the meantime, the Committee hopes that the above-mentioned methods used for objective job appraisal are applied in accordance with the principle of the Convention.

5. While noting the Government's statement in its report that collective agreements within the public or private sector do not contain distinctions based on gender, the Committee nevertheless repeats its request that the Government provide copies of current collective agreements for various industries or enterprises in the private sector which contain wage scales, and to provide information on the distribution of men and women in the different occupations and levels covered by the collective agreements.

Committee of Experts on the Application of Conventions and Recommendations

Convention No. 111: Discrimination (Employment and Occupation), 1958
Direct request 1999

Jamaica (ratification: 1975)

The Committee notes that the Government's report has not been received. It hopes that a report will be supplied for examination by the Committee at its next session and that it will contain full information on the matters raised in its previous direct request, which read as follows:

1. The Committee notes from the Government's report that the Constitution is currently being amended and that the reforms will remedy the omission of the prohibition against gender discrimination in section 24 of the Constitution. Noting also from the Government's comments to the Human Rights Committee (CCPR/SR.1623/Add.1) that a preliminary draft bill regarding the amendment of Chapter III of the Constitution includes the right to freedom from discrimination on the basis of sex, the Committee requests the Government to report on the progress made in bringing the constitutional provision on discrimination into conformity with *Article 1, paragraph (a), of the Convention* and to supply a copy upon adoption of the amended Constitution.

2. The Committee notes that intra-ministry committees have been established to track the progress of the 1987 National Policy Statement on Women. It asks the Government to provide information on any obstacles as well as advances that have been identified in this process in regard to the promotion of equality of opportunity and treatment between men and women in employment and occupation. The Committee also notes that the Strategic/Corporate Plan 1997-2000 of the Bureau of Women's Affairs has identified training and education as one of the priority areas for action through encouraging measures, among others, for training over the full range of occupational choices of non-traditional careers for women and men. Other more general intersectorial programming strategies of the plan relate to ensuring a gender balance in governmental bodies and committees, public administrative entities and in the judiciary. In this connection, the Committee draws the attention of the Government to the findings in the report of the Jamaica Employers' Federation Symposium, 1995, on "Optimizing the Contribution of Women to the Jamaican Workplace" that despite similar qualifications men still outnumber women at the three top levels of management, while women are concentrated in bottom-level occupations. The Government is requested to supply information on the specific activities undertaken to implement the Strategic/Corporate Plan 1997-2000, particularly as regards equal opportunity and treatment in employment and occupation, and the progress made in this regard, including the promotion of women in employment at middle, senior and executive management levels in the private as well as the public sector.

3. The Committee also notes with interest the announcement by the Prime Minister of the establishment of the Commission on Gender and Social Equity and the establishment of a steering committee in the Policy Unit of the Office of the Prime Minister to recommend a framework for which gender equity can be achieved as a social policy goal through an empowerment process. The Committee requests the Government to provide information on the policy framework and the mandate and activities of the Commission, including its linkages with the existing national

machinery on the status of women and the manner in which it will assist in the promotion of equality of opportunity and treatment in employment and occupation.

4. The Committee welcomes the efforts by the Government to increase women's access to vocational training in non-traditional areas and to encourage employers to employ more women, particularly in non-traditional occupations, such as through the tax rebate system used in the School-leavers' Training Opportunities Programme. It nonetheless observes, from the data provided in the 1995 annual report on enrolments and outputs of the Human Employment and Resources Training (HEART)/National Training Agency (NTA), the rather marginal enrolment of men in non-traditional areas such as commercial skills, apparel and sewn product skills and hospitality skills training. The Committee asks the Government to continue to provide, in its next report, information on the progress made in promoting equal access between men and women in educational and vocational training, as well as information on their post-training experience in terms of finding employment, and to indicate whether any measures are taken or contemplated to encourage male as well as female students to enrol in non-traditional skills training. The Committee would also be grateful if the Government could indicate whether any non-formal education or training programmes exist allowing more disadvantaged groups of men and women to have equal opportunities in educational and vocational training.

5. The Committee notes the Government's statement that although no legislation has been passed on sexual harassment in the workplace, the topic has received much attention through awareness-raising activities which are aimed at improving the treatment of women in employment. The Committee would be grateful if the Government would continue to provide information on measures taken to address the problem of sexual harassment, including the adoption of any policy or legal provisions.

6. The Committee notes the Government's statement that there are no specific examples of redress on the basis of gender discrimination being sought under section 25 of the Constitution because the current Constitution does not contain any provision prohibiting discrimination on the basis of sex. The Committee also notes that the Government is remedying this omission through constitutional reform and through the adoption of a new Legal Aid Act which should ensure wider and easier access to the courts for persons seeking redress. The Committee recalls that *Article 1, paragraph (a)*, of the Convention also includes prohibitions against discrimination based on grounds other than sex, notably race, colour, religion, political opinion, national extraction and social origin. The Committee therefore hopes that the Government, in its next report, will provide information on any actions taken by labour inspectors and on any decisions taken by the courts, the labour tribunal and the Ombudsman, regarding discrimination in employment and occupation on the basis of any of the grounds referred to in *Article 1, paragraph (a)*, of the Convention.

Convention No. 122: Employment Policy, 1964
Direct request 1999

Jamaica (ratification: 1975)

The Committee notes the information contained in the Government's detailed report for the period ending September 1998. According to the Government, the labour force decreased in 1997 for the second year in a row, due mainly to a decrease in youth participation, attributed to a decrease in the youth population and an increase in their participation in education and training programmes. Unemployment also increased slightly during this period, from 16 per cent to 16.5 per cent, about 25 per cent of which are long-term unemployed. This increase was due to a net loss of jobs, primarily in the industrial sector, as well as a decline in agriculture, forestry and fisheries due to a prolonged drought. These losses were only partly offset by an increase in the public sector. The Government also reports a steady decline in artisan jobs. The Committee would appreciate receiving further information on programmes to ease the transition of displaced workers, and to promote other forms of skilled labour, as requested in the report form under *Article 1 of the Convention*. The Committee notes that youth unemployment fell by 7.4 per cent, due mainly to more young women entering work. Lastly, the Committee also notes the Government's statement that part-time work increased by more than full-time work, but without any apparent net gains to the labour market. Therefore, the Committee would appreciate receiving further information on the Government's strategy for ensuring that the flexibility and casualization of jobs help fulfil the objectives of full, productive and freely chosen work.

The Government reports that programmes for youth include training, education, work ethic instruction, apprenticeships, encouraging own-account employment and supporting youth-run cooperatives. The Committee understands that the National Youth Policy is now under review and requests further information on the outcome, particularly on how youth policy is considered within the Government's wider framework of economic and social policy, as required under *Article 2*. The Government also has set up a micro- and small-enterprise (MSE) coordinating bureau within the Ministry of Industry to overcome problems of regulatory constraints on entrepreneurs and to increase the rate of creation of small enterprises via increased access to credit, training and technical assistance. This programme is apparently working, as the number of employers has grown at a high rate of around 25 per cent. The Committee would appreciate receiving a copy of any evaluations of the MSE programme and its impact on unemployment, as requested in *Part VI of the report form*.

The Committee notes that the main component of the Government's employment strategy, the National Industrial Policy (NIP), is implemented through the tripartite Industrial Advisory Councils (IAC). The Committee would appreciate continuing to receive information on how the IAC consults representatives of other sectors of the economically active population, such as those in the rural and informal sectors, and how the IAC participate in the review of NIP policies within a framework of coordinated economic and social policy, as specified in *Article 3, in conjunction with Article 2*.

The Committee notes that although women comprise 46 per cent of the labour force, they hold 42 per cent of jobs, and represent 65 per cent of the unemployed. It also notes the Government's efforts to overcome this problem, as there is a high participation rate of women in training programmes, and much of the growth in employment is due to women

Convention No. 122: Employment Policy, 1964
Direct request 1999

obtaining jobs. The Committee would appreciate continuing to receive information on progress made in this respect, as requested in the report form under *Article 1*.

Lastly, the Committee requests that the Government include copies of the following in its next report, if possible: the Economic and Social Survey of Jamaica, the National Industrial Policy, and the report on implementation of the National Poverty Eradication Programme.

Convention No. 100: Equal Remuneration, 1951

Direct request 1998

Mongolia (ratification: 1969)

The Committee notes that the Government's report has not been received. It hopes that a report will be supplied for examination by the Committee at its next session and that it will contain full information on the matters raised in its previous direct request, which read as follows:

1. The Committee notes that the new Labour Code, adopted in 1991, prohibits any direct or indirect discrimination, exclusion or preference in labour relations on account of, inter alia, sex (section 5) and provides that workers shall be granted wages according to their work results which shall be calculated on the basis of piecework or hourly rates, or by some other manner (section 37(4)). The Committee also notes from the report that the Public Service Act, adopted in 1995, provides for equal remuneration to be granted to the same positions in the public service. The Committee observes that the principle of equal remuneration *for men and women workers* is not included in the Labour Code and appears not to have been included in the Public Service Act, whereas the previous Labour Code of 1973 which called for equal pay for equal work, irrespective of sex, age, race or nationality did address the issue of equal pay between the sexes, even though its formulation was narrower than that specified under the Convention. As the objective of the Convention is to eliminate wage discrimination against women through the application of the principle of equal remuneration for work of equal value, it is important that the means taken nationally to apply the Convention give expression to this principle. Despite the Government's statement that the ideas of the Convention are reflected in the 1991 Labour Code and in the 1995 Public Service Act, the Committee nevertheless recommends that the Government consider enshrining explicitly in legislation the principle of equal remuneration for men and women workers for work of equal value. The Committee recalls to the Government the possibility of obtaining assistance from the International Labour Office in this regard. Please also furnish a copy of the 1995 Public Service Act.

2. The Committee notes from the report that public servants (and employees of organizations paid from the state budget) receive wages in accordance with their designation, which is determined on the basis of the complexity of the work, responsibility, skill requirement and education. The Committee also notes that according to the terms of the appendix to resolution No. 90 of 1995 entitled "Common Procedure" (which applies to employees of state enterprises and joint stock companies with predominant state interests), basic differential rates are to be established on the basis of the minimum salary adopted for these economic entities according to the occupational position, responsibilities as outlined in the job description and the work hardship. According to this document, employees with similar duties shall be awarded the same basic rate of pay but their salaries may be distinguished by record of service, work experience, performance and output. The Committee requests the Government to furnish copies of the regulation on the salary

Convention No. 100: Equal Remuneration, 1951

Direct request 1998

payment rate (which must be prepared by such companies by virtue of section 16 of the appendix) for a number of these state enterprises and joint stock companies where a significant number of women are employed, together with an indication as to the percentage of men and women paid at the different wage levels.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1997

Mongolia (ratification: 1969)

1. The Committee notes the information supplied by the Government in its report that, in particular, the Ministry of Health and Social Welfare is currently preparing a draft new Labour Code which will modify and amend the 1991 Code while maintaining the advantages which that Code provides in sections 79, 80, 82, 83 and 84. The Committee also notes that that Ministry is commencing the preparation of a bill on employment promotion which will encompass the definition of unemployed persons and determine types, forms and framework of employment-promoting measures.

2. The Committee requests the Government to inform it on the progress made in the adoption of these bills, bearing in mind its comments, made in its previous direct request, on section 83 of the present Code (special additional leave available to mothers which, unlike most of the other benefits, is not available to single fathers) and the Government's announcement that it would examine the matter during the amendment of the Act. The Committee would like to receive copies of these texts once they are adopted.

3. The Committee also noted in its previous direct request that while serious efforts are being made to ensure equality in access to education and training (65.5 per cent of all trainees are women) the sex of the workers is taken into account when training engineers and technical staff in such fields as geology, mining, fuel and energy. The Committee requests the Government to clarify this indication and to refer to paragraphs 97 and 98 of the above-mentioned 1988 General Survey where there is a discussion of occupational segregation based on traditional approaches to "female" versus "male" occupations.

Committee of Experts on the Application of Conventions and Recommendations

Convention No. 103: Maternity Protection (Revised), 1952
Direct request 1999

Mongolia (ratification: 1969)

The Committee notes that the Government's report has not been received. It hopes that a report will be supplied for examination by the Committee at its next session and that it will contain full information on the matters raised in its previous direct request, which read as follows:

1. *Article 3, paragraphs 2 and 3, of the Convention.* The Committee recalls that section 81 of the Labour Act, 1991, grants 45 days' leave before and 56 days after confinement without specifying whether the postnatal leave is compulsory. The Committee requests the Government to indicate whether provisions exist or are contemplated to ensure the compulsory nature of leave after confinement, in accordance with the provisions of the Convention.

Article 4. (a) The Government states in its report that maternity benefits are not dependent on social security legislation but on social welfare legislation and are granted by the Government in the form of social welfare allowances. In addition, the Government states that this new system is less advantageous in that the pre and postnatal allowances previously corresponded to the net wage whereas they are now equal to the minimum wage. The Committee notes this information. It requests the Government to indicate whether these allowances are sufficient for the full and healthy maintenance of the woman and her child in accordance with a suitable standard of living, in accordance with *Article 4, paragraph 2*, of the Convention.

(b) In addition, please supply detailed information on the nature and amount of the medical benefits and benefits in kind granted to women on maternity leave as well as the conditions for granting them, specifying the relevant legal provisions.

2. Finally, the Committee requests the Government to supply in its next report detailed information for each Article of the Convention in accordance with the report form adopted by the Governing Body. It also requests the Government to supply a copy of the legislation mentioned in its report, particularly the 1993 Health Insurance Law, as amended in 1994, the 1994 Social Insurance Law, as amended in 1997, and the Social Welfare Law, along with any new text which has been adopted.

Convention No. 122: Employment Policy, 1964
Direct request 1999

Mongolia (ratification: 1976)

The Committee notes with regret that the Government's report has not been received. It hopes that a report will be supplied for examination by the Committee at its next session and that it will contain full information on the matters raised in its previous direct request, which read as follows:

1. The Committee recalls that, under *Article 1 of the Convention*, the employment policy shall aim at ensuring that there is work for all who are available for and seeking work. In this respect, it would be grateful if the Government would describe the measures that have been taken or are envisaged to facilitate access to employment services by all persons who are seeking employment. Please continue to supply information on the number of persons who are placed in employment by the employment services.

2. The Committee notes that the Government's Plan of Action has the objective of progressively reducing the unemployment rate to under 5.8 per cent by the year 2000 and between 3.5 and 4 per cent in 2010. The National Unemployment Reduction Programme adopted for this purpose provides for the creation of 120,000 job opportunities and for the training or retraining of 160,000 people. The Committee notes the statement that the employment policy formulated in the framework of this programme will have to be associated with structural, investment and social and economic policy. The Committee requests the Government to describe in its next report, as requested in the report form adopted by the Governing Body, the manner in which the measures adopted under the general economic policy contribute to combating unemployment. Please, in particular, describe the impact that privatizations have had or are expected to have on employment. Please also indicate the measures adopted to coordinate education and training policies with prospective employment opportunities.

3. The Committee notes the information on the jobs that have been created through the provision of preferential loans by the Employment Fund, and on the organization of public works. It notes with interest that technical assistance has been received from the competent ILO multidisciplinary advisory team in this respect. It requests the Government to continue supplying information on the implementation of the various employment creation and training measures, and particularly on measures that are specially intended for categories of the population that are identified as being particularly vulnerable, such as women with family responsibilities, young persons and persons with disabilities (see also *Part V of the report form*).

4. The Committee notes the statement that economic and social policies, including employment and industrial relations, are the subject of tripartite social dialogue. With reference to its previous requests, it asks the Government to describe the manner in which representatives of the persons affected are consulted in practice concerning employment policies, as required by *Article 3* of the Convention. Please describe the procedures and institutions established for this purpose.

Committee of Experts on the Application of Conventions and Recommendations

Convention No. 100: Equal Remuneration, 1951
Observation 1998

Finland (ratification: 1963)

The Committee notes the detailed information provided by the Government in its report as well as the comments from the Central Organization of Finnish Trade Unions (SAK), the Finnish Confederation of Salaried Employees (STTK), the Confederation of Unions for Academic Professionals in Finland (AKAVA), and the Commission for Local Authority Employers (KT).

1. The Government states that in 1997, women's total average earnings in the public and private sectors combined constituted 79.2 per cent of men's corresponding average earnings, representing an increase from 1994 of 4.5 per cent. The figures reported also reveal sectorial differences in whether the pay gap has widened or narrowed between men and women over the last few years. These sectorial differences are further borne out by the comments of AKAVA which reports a widening of the gender wage gap, stating that the pay of all AKAVA-affiliated women in full-time employment was 76 per cent of men's in 1995; in 1997, the corresponding figure was 74 per cent. From a more long-term perspective, KT states that earnings differentials between men and women workers have decreased since the 1970s. SAK indicates that pay differentials between men and women workers have remained unchanged in the 1980s and 1990s, although there have been changes in the pay structure as Finland moves from merely work-based pay to a pay based on competence and performance.

2. With respect to the reasons for the wage differentials, the Government indicates that these differentials are affected by numerous factors simultaneously, including occupational segregation as well as spending cuts made in the public sector during the recent recession. Reference is also made to changes in the unemployment rate for men and women and the differential impact the recent economic growth has had on men and women which affects their remuneration levels. AKAVA considers that the employer's sector and sphere of operations, the post concerned, and the employee's years of experience are all factors which contribute to this situation. AKAVA points out that pay differentials are smaller in the state administration than in the municipal sector, although it maintains that the widespread use of fixed-term employment relationships may weaken the standing of trained women in the state administration in the long run. The KT attributes the continued differentials to a gender-separated labour market, training, the age structure and the amount of overtime worked by men and women workers.

3. The Committee notes from the Government's report that the conclusions of the study commissioned by the Equality Ombudsman on the pay differentials between men and women from an economic point of view found that the adoption of legislation on equal pay was insufficient to reduce the pay differentials and that active measures were required, such as the introduction of effective equality programmes. Measures to facilitate work and family responsibility were found to have a limited effect on reducing the pay gap as long as men do not take up the opportunities to use these measures along with women. The study also concluded that the negotiating power of women was viewed as a vital element in further reducing the pay differential. The Committee would

be grateful if the Government would continue to provide information on the progress of efforts taken to reduce the wage gap and combat occupational segregation in both the public and private sectors. Please provide, in particular, information on active measures such as the equality programmes referenced in the Government's report and initiatives in the areas of education, vocational training and occupational guidance aimed at reducing pay differentials.

4. The Government states that, in the commercial sector, increment levels for part-time employees governed by collective agreements were changed at the beginning of 1998 and that the new regulations permit part-time employees to accumulate years of service and move into correspondingly higher pay grades, in the same manner as full-time employees. The Government indicates that this legislative change will improve the earnings level of the large majority of women part-time workers in the commercial sector. The Committee notes this information with interest and requests the Government to provide copies of the relevant regulations and to supply information on the impact of the regulations on the gender pay gap.

5. The Committee notes with interest that the collective agreement for 1998-99, concluded on 12 December 1997, provides for the payment of equality allowances to be shared out as agreed by the unions involved. The STTK reports that it has received positive feedback from member unions on the manner in which equality and low-income allowances have been shared out. The Government further indicates that preparations are under way for collective agreements on new pay systems in numerous sectors of the public administration, covering 80 per cent of all state personnel. In relation to the monitoring of collective agreements, the STTK points out the difficulty it has due to the limited access the shop stewards have to pay information. It states, however, that other approaches to equal pay are also needed, including a reform of pay systems through the development and introduction of job demand evaluation tools, as well as by making workplace equality planning more effective. The Committee expresses its hope that the Government will continue to supply information on new developments in this area, and requests the Government to provide a copy of the interim report compiled by State contracting parties, focusing on the link between job demands and pay as well as between gender and pay.

6. The Government indicates that the collective agreement mentioned above stipulates that the central labour market organizations' working group shall continue its work, which includes promoting and monitoring the development and introduction of job evaluation systems and issuing statements and opinions on evaluation at the request of the social partners, the Equality Ombudsman and the unions. The Government is asked to provide a copy of the handbook on job evaluation published by the working group, as this annex was not received with the report. The Government is also asked to continue to provide information on the ongoing activities of the working group, including copies of any reports issued by the group on job evaluation systems and trends in equal pay.

7. The Committee notes the information contained in the Government's report concerning the annual workplace equality plans formulated by employers under the 1995 amendments to the Equality Act. The Government states that some equality plans call for the creation of pay systems built on job evaluations as a means to

achieve greater pay equality. Other plans require pay analyses to be carried out at regular intervals to permit pay discrimination to be identified and corrected, while others view a reallocation and reorganization of work as one method of promoting equal pay. The Committee would be grateful if the Government would provide a copy of the 1996 materials issued by the Equality Ombudsman providing employers with guidelines and instructions on how to comply with their equal pay duties. In addition, the Government is requested to provide information on the surveys conducted by the Ombudsman on workplace equality planning.

8. The Committee notes the information provided by the Government with regard to the equal pay complaints received by the Equality Ombudsman. The Committee hopes that the Government will continue to provide information on the Ombudsman's activities relevant to the investigation and resolution of equal pay complaints, including the manner in which the Ombudsman's decisions are implemented.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1997

Finland (ratification: 1970)

The Committee takes note of the information supplied by the Government in its report. It thanks the Government for the explanation given which answers the Committee's previous direct request concerning the non-discriminatory nature of the termination provisions of the State Civil Servants Act, which apply to all civil servants in the event of closure of the government agency employing them.

1. Regarding the strengthening of anti-discrimination provisions by the addition to the Penal Code, through Act No. 578 of 1995, of the offence "discrimination in employment", the Committee notes the information supplied by the Government on the cases brought against discriminating employers and the sanctions imposed. It also notes the launching, in 1996, of a joint Nordic project, within which the authorities in charge of developing the employment services of the labour administrations in the different countries are exchanging experiences in the field of equality connected with labour administration customer services and developing related methods. It requests the Government to continue to provide information on the strengthened enforcement of equality provisions, including, where available, further examples of case-law.

2. *Discrimination on the ground of sex.* With regard to section 6(a) of the Equality Act which mandates equality planning by employers in both the public and private sector, the Committee requests the Government to provide it with a copy of the conclusions of the study commissioned by the Equality Ombudsman's Office into the promotion of equality planning. Regarding the 1997 study of the Institute of Occupational Health and the Occupational Safety and Health Administration entitled "Increasingly equal work communities" ("Tasa-arvoistuvat työyhteisöt"), the Committee notes that it used data supplied by 425 companies and focused on the launch of the systematic promotion of equality in companies, describing progress achieved so far. It notes that the study showed that only a few companies had yet included the aim of equality promotion in their human resources plan. It also notes the Government's observation that women's employment has not kept pace with the general improvement of the economy partly due to the fact that there has not been a significant increase in jobs in the public sector where the workforce is predominantly female. The Committee therefore requests the Government to provide information on any measures which have been taken or are contemplated to improve job prospects for females, for instance in the area of promoting diversification in education.

3. The Committee notes the approval in February 1997 of the Plan of Action for the Promotion of Gender Equality (1997-99) within which the Government has so far carried out practical measures whereby, according to the Government's report, women entrepreneurs have been supported with special loans. It notes that the proportion of women in programmes promoting employment has increased and now corresponds at least to their proportion of the unemployed; special attention has been paid to the accommodation of career and family; labour legislation has been amended for those in atypical employment relationships; unemployment

security has been reformed to provide more incentive to accept short-term employment; and the content and programmes of training in information technology are being altered in order to interest girls also. In addition, the Committee notes that a working group of the Ministry of Labour submitted a report on 31 January 1997, which studied trends in women's unemployment (Labour Administration Publications, No. 168, available in Finnish only) and proposed ways of improving the employment potential of women. The Committee would like to be kept informed on the implementation of the above-mentioned Plan of Action and the measures taken on the basis of the conclusions and findings of the 1997 report.

4. The Committee notes the comments on gender-based wage inequality made by the Central Organization of Finnish Trade Unions (SAK), the Confederation of Unions for Academic Professionals in Finland (AKAVA) and the Finnish Confederation of Salaried Employees (STTK), as well as their general statements on the ways in which structural changes in employment continue to affect women differently than men and on how various forms of atypical work continue to increase in female-dominated sectors. The Committee also notes the Government's reply that increased flexibility in working life may, at its best, secure jobs and improve the level of employment, but that balanced development requires that flexibility includes adequate arrangements for protecting employees' interests and that the security of atypical work has been improved through legislative amendments which strengthen the labour market position of those in such jobs. The Committee, in view of the Government's statement that women are flexible in their employment relationships which are therefore more likely to be atypical than men's, requests the Government to provide a copy of the report, completed on 29 February 1996, on the problems related to atypical employment and how these could be solved, and, where available, information on the impact of the amended legislation. Noting that part-time workers (1-29 hours a week) accounted for 7.1 per cent of wage-earners in 1995 but that 10.8 per cent of female wage-earners and only 4.8 per cent of male wage-earners worked part time, the Committee requests the Government to provide statistical information on part-time workers and indicate any measures which will be taken in this respect, especially within the above-mentioned Plan of Action for the Promotion of Gender Equality.

5. *Discrimination on the grounds of race, colour and national extraction.* Noting the Council of State decision in principle on measures to be taken to increase tolerance and prevent racism of 17 February 1997, the Committee requests the Government to provide information on any measures taken by virtue of this decision and the results obtained, especially with regard to the special functions of the Ministry of Labour, which is, according to the Government's report, responsible for ensuring that discrimination in employment will be recognized and handled with increasing efficiency. In addition, the Committee would be grateful if the Government would supply information on: (a) the contents and results of "ROMAKO", an EU-funded project, which aims to diversify labour market training for the Roma; and (b) the functioning and findings of the four regional advisory committees for Romany affairs. Finally, noting that, according

to the Government's report, in 1996 in eight out of the ten cases brought before the Ombudsman for Aliens, the immigrants involved were not aware of their rights nor of their means of redress, the Committee requests the Government to provide a copy of the report of 4 April 1997 of the working group of the interdepartmental advisory committee on refugee and immigrant affairs, set up to study immigrants' rights. Please also supply information on the development of the system for collecting data on discrimination and on any measures taken or contemplated with regard to informing the population on their rights and means of redress available in cases of discrimination.

6. More generally on the legislative promotion of the principle of the Convention, the Committee notes that the committee appointed by the Council of State to investigate the need for amendments to the Employment Contracts Act (No. 320/1970) terminated its mandate on 31 October 1997. It also notes that, under amendments to the Co-determination in Companies Act, which came into force on 1 January 1997, the measures called for in the Act on Equality Between Men and Women to bring about equality are dealt with under the new Act as part of the co-determination procedures. The Committee asks the Government how the proposals of the above-mentioned committee and the co-determination procedures affect the current legislative framework for the elimination of discrimination in employment and occupation and the promotion of equality.

Convention No. 156: Workers with Family Responsibilities, 1981

Direct request 1994

Finland (ratification: 1982)

!E-94-156-R-FIN

1. Referring to its observation, the Committee notes that efforts have been made to instruct employment office personnel on the implications for customer service of gender equality legislation. The Committee requests the Government to continue to supply information on any measures taken to promote information and educational initiatives that will promote the objects of the Convention.

2. Noting that labour market training courses are arranged for first-time job entrants and for the long-term unemployed, the Committee requests the Government to provide further information on the extent to which these courses attract persons wishing to re-enter the labour market after absences due to family responsibilities.

3. The Committee requests the Government to continue providing information, in aocordance with Article 10, paragraph 2, assessing the extent to which the provisions of the Convention have been applied.

Convention No. 156: Workers with Family Responsibilities, 1981

Observation 1994

Finland (ratification: 1983)

!E-94-156-O-FIN

The Committee has noted the information provided by the Government in its report.

1. The Committee's previous comments reflected the concern of the trade unions over the inadequacy of municipal day care which, in their view, forced parents to resort to the more expensive and less reliable alternative of private arrangements, thus creating inequality for parents. In its comments on this matter, the Government notes that the new Children's Home-Care Allowance Act, which entered into force in 1985, ensured the parents of children under 3 years, a choice of either municipal day care or a home-care allowance. In addition to enabling a child to be cared for at home by a parent, the allowance may also be used to cover the cost of private child care. The Government states that all children under 3 years were extended the actual right to municipal day care in 1990, either in day-care centres or in the homes of carers employed by the municipal authorities. According to information provided by the Government, virtually all local authorities had managed to arrange the care of children under 3 years by 1990. By that time, 95 per cent of the demand for the full-time care of all children below the school age and 98 per cent of that for part-time care had been met. Moreover, the number of families receiving the home-care allowance had increased to 58,000 in 1990, as compared with 15,800 in 1985.

The Government indicates, in its report, that legislation passed in 1991 was to have further extended the right to day care by granting it to all children under 4 years by 1993 and to all children under school age by 1995. The Government also intended to extend the home-care allowance scheme accordingly so that by August 1995, all children below the school age of 7 years would have been covered by a social day-care or allowance system. However, in 1992, the Government postponed the entry into force of this legislation as the economic situation had worsened considerably. The legislative right to day-care and the extension of the home-care allowance tc children under 4 years will now take effect in August 1995.

2. The present report also contains a comment made by the Central Organization of Finnish Trade Unions and the Confederation of Unions for Academic Professionals in Finland stating that the economic recession has had an adverse effect on the distribution of family support between men and women. The Government has also referred to the effect of the deep economic recession on the development of social security policy and benefits to families with children. This has resulted in a reduction of the level of the maternity and parental allowance, from 70 per cent to 66 per cent, and a shortening of the period for the payment of the maternity or parental allowance from 275 to 263 days. On the other hand, the Government has indicated that the 6-12 month paternity leave entitlement will no longer shorten the length of the parental leave. In addition, 1990 amendments to the Employment Contracts Act of 1970 have extended an employee's right to part-time leave for the care of a child at home until the end of the year in which the child starts school.

Convention No. 156: Workers with Family Responsibilities, 1981

Observation 1994

3. The Committee appreciates the full and candid comments of the Government concerning the measures being taken to maintain the promotion of the Convention in difficult economic circumstances. The Committee hopes that the Government will be able to continue its attempts to foster the aims of the Convention and that its future reports will reflect these efforts.

4. The Committee is addressing a direct request to the Government on other points.